IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5532 of 1987

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

NARENDRAKUMAR S JADHAV

Versus

STATE OF GUJARAT

Appearance:

MR PM THAKKAR for Petitioner

MR SP HASURKAR for Respondent No. 1

MR PR JOSHI AGP for Respondent No. 2

MR DA BAMBHANIA for Respondent No. 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 29/09/2000

ORAL JUDGEMENT

The petitioner before this court is an un-armed Police Constable, and has prayed that he shall not be suspended from serve pursuant to the complaint being

Mehsana City Prohibition CR No. 350/87 lodged against him on 10th October, 1987, for violation of the prohibition law.

It appears that on 10th October, 1987, the petitioner was found to be under influence of alcohol in an inebriated condition by some police officers, for which a FIR had been lodged in Mehsana City Police Station. The petitioner apprehending the order of suspension pursuant to the aforesaid FIR, has lodged the present petition. It is contended that pursuant to the said FIR, the petitioner might be placed under suspension. By way of ad-interim order made by this court (Coram : Mr.Justice J.P.Desai, as he then was) on 14th October, 1987, the respondents are restrained from suspending the petitioner pursuant to the above referred FIR. Hence, it appears that no order of suspension was passed against the petitioner and no cause of action arose to the petitioner. The petition being premature, is dismissed. Rule is discharged. Interim relief is vacated.

(MS R.M.DOSHIT J)

JOSHI